

# In the Indiana Supreme Court

IN RE THE MARRIAGE OF	)	Supreme Court No. 18S00-0504-SJ-136
PATRICIA FREEMAN	)	
	)	
and	)	
	)	Case No. 2S-81 / 487
TIMOTHY FREEMAN	)	in the Delaware Circuit Court No. 2

## **ORDER REMANDING JURISDICTION TO TRIAL COURT**

Comes now the Clerk of the Delaware Circuit Court, and pursuant to Ind.Trial Rule 79, certifies this matter here for the appointment of a special judge.

And this Court, being duly advised, now finds that jurisdiction of this matter should be remanded to the Delaware Circuit Court No. 2 and Judge Peter D. Haviza. The Chronological Case Summary reflects that the clerk appointed Judge Haviza to serve as special judge in this case pursuant to Ind.Trial Rule 79(H). This appointment was occasioned by the discontinuation of service as special judge of Special Judge Jan L. Chalfant, pursuant to Ind.Trial Rule 79(I), upon his retirement on December 31, 2004. An appointment under Ind.Trial Rule 79(H) must be accepted unless the selected judge is disqualified, ineligible for service or excused by this Court. The record does not reflect that an exception exists, therefore Judge Haviza should assume jurisdiction of this case.

IT IS, THEREFORE, ORDERED that jurisdiction of this matter should be remanded to the Delaware Circuit Court No. 2 and Judge Haviza.

The Clerk of this Court is directed to forward notice of this Order to the Hon. Peter D. Haviza, Randolph Superior Court, 100 South Main Street, 2nd Floor, Winchester, IN 47394-1892; and the Hon. Richard A. Dailey, Delaware Circuit Court #2, 100 West Washington Street, Muncie, IN 47305-2868, and to the Clerk of the Delaware Circuit Court No. 2.

The Clerk of the Delaware Circuit Court No. 2 is directed to forward notice of this Order to all parties of record in the case below.

DONE at Indianapolis, Indiana, this \_\_\_\_\_ day of April, 2005.

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Randall T. Shepard  
Chief Justice of Indiana